

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2494 OF 2004**

General Arun Kumar Vaidya
Nagar Rahivashi Sangh & Anr.

..Petitioners.

Versus

State of Maharashtra & Ors.

..Respondents.

Mr. L. P. Bharucha with Mr. I. S. Meewan for the Petitioners.
Mr. N. Pandit, A. G. P. for Respondent Nos.1 to 4.
Mr. B. A. Desai with Mr. Y. R. Mishra for Respondent Nos.5 and 6.

**CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.**
DATE : 20TH JULY, 2005

P.C.

This Petition has been filed by the Representative Federation of 26 duly registered Co-operative Housing Societies, which have been allotted various plots of land in Bandra Reclamation Area by the erstwhile Maharashtra Housing Area Development Board. It is prayed by this association that allotment of plot reserved as open space No.1 in the Development Plan for the "A" Block of Bandra Kurla Complex and more particularly shown as and bounded by the English letters ABCDEFG on the part plan to Sports Authority of India for setting up of a Sports Complex, is bad in law, contrary to and in

violation of the provisions of the Maharashtra Regional Town Planning Act, 1966.

2. In pursuance to the show cause notice issued by this Court, a reply affidavit has been filed by MHADA in which it is clearly mentioned that the State Government has not taken any decision of allotting this land to the National Sports Authority of India. The land cannot be allotted unless the State takes the decision to allot the same to the National Sports Authority of India. It is also mentioned that the decision of MHADA to allot the land to National Sports Authority of India is in the public interest and in the interest of sports.

3. The learned Counsel appearing for MHADA submits that no illegality whatsoever has been committed by MHADA in allotting the land to National Sports Authority of India. The learned Counsel at this stage, submits that the State be directed to consider the representation dated 15 th January, 2003 and 25 th June, 2003 made by them, before the State takes the final decision of allotting the land to the National Sports Authority of India.

4. We direct the State to take the decision in accordance with law and the State may also consider the application which has

been filed by the applicants on 15th January, 2003 and 25th June, 2003 at pages 71 and 96 of this Petition.

5. No further directions are necessary in this Petition. The learned Counsel for the Petitioner does not press for the other reliefs which have been claimed. This Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.